

Exhibit C



July 24, 2007

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Re: **Christian Holinka v. A.W. Chesterton, et al.**

Dear Ms. Lyons, Ms. Tempesta, Mr. Dadika, and Mr. Fraser:

I have been asked to review materials for the above referenced case, and to provide an expert opinion regarding Dr. Christian Holinka's alleged exposure to asbestos from handling certain pieces of laboratory equipment throughout his career. Dr. Holinka believed that he was exposed to harmful levels of asbestos from various asbestos containing products including asbestos mittens and Bunsen burner support pads. The materials that I have reviewed include the following:

- Plaintiff's Answers to Interrogatories;

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- Plaintiff's Social Security Records; and
- Depositions of Christian Holinka dated February 12, 2007, February 22, 2007 and March 1, 2007.

#### **DESCRIPTION OF EVENTS**

Dr. Holinka was born on July 7, 1937 in Schweidnitz, Germany, emigrated to the U.S. in October 1956 after finish boarding school in Oldenburg, Germany, and currently lives in Manhattan, where he has resided since 1977. Shortly after moving to the U.S., Dr. Holinka worked as an elevator operator at the Commodore Hotel in New York.

Dr. Holinka served in the U.S. Army from November 1956 through August 1959, when he received an honorable discharge. He completed basic training at Fort Dix, New Jersey. After basic training he was stationed at Fort Sam in Houston, TX for about 2 months where he received training as a medical laboratory technician. He stated that it was "likely" he was exposed to asbestos during that time from the use of Bunsen burner pads. He testified that during his training, perhaps two hours per day was spent in the classroom and the remainder of the day was spent in the laboratory. He said that "relatively little" of his time was spent working with Bunsen burners and that he spent approximately three months in the classroom and six weeks in pathology. In the classroom there were about 25 workstations, while in pathology there were no Bunsen burners.

Dr. Holinka was then stationed at the 98<sup>th</sup> General Hospital in Neubruecke, Germany from July 1957 until July/August 1959. He stated that he worked in all branches of the clinical medical laboratory including bacteriology, biochemistry, hematology and pathology. He felt that he was exposed to asbestos while working in the laboratories from Bunsen burner pads and mittens, which he said he would use on a daily basis. He did not know of any other asbestos exposures that he may have had during that time. Dr. Holinka testified that he could not recall if there were any insulated pipes in the various barracks in which he slept in while in the army.

After being honorably discharged from the Army, he lived in Queens for approximately four months and worked at Booth Memorial Hospital as a lab technician. He stated that his duties included clinical chemistry and analysis of blood serum and urine. Dr. Holinka stated that he believed he used asbestos Bunsen burner pads and mittens at Booth. He testified that the asbestos on the pads "gradually becomes brittle due to the high heat and the heat moves the air really and one would expect that dust particles would be generated." Also, he said the center of the pads would become brittle and they would then have to dispose of them. He stated that the pads would have to be replaced "very frequently" depending upon the frequency of use and then said "certainly every few days you would replace it." He stated that there were half a dozen burners in the lab.

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Dr. Holinka then moved to California where he attended U.C. Berkeley for two and one-half years and received a BA in French literature with a minor in physiology in 1962. He stated that while in college he believed that he was exposed to asbestos from using Bunsen burner pads and mittens while he worked part-time in the research lab. He said that there were two rooms in the lab, each about 400 – 600 square feet in size, and that each room had “about” two Bunsen burners. With regard to mittens, he said he would use them “several times a week.” He testified that he worked between 12 and 20 hours a week in the research lab. Dr. Holinka stated that he also took “about a half a dozen” other lab courses in college that he believed may have involved asbestos exposures. He said that each workbench in the lab would have a Bunsen burner and pad.

After graduating from Berkeley, Dr. Holinka moved to New York and went to Hunter College in the fall of 1962, pursuing a Biology degree. He remained at Hunter through the spring of 1963. He stated that during that time he was exposed to asbestos from Bunsen burner pads in one chemistry lab class. He said the class lasted one semester and met once a week for three hours. In the fall of 1963, Dr. Holinka attended McGill University in Montreal for one semester. He stated that he took “mainly lecture courses and one laboratory course.” He did not believe he was exposed to any asbestos during that time.

Dr. Holinka then returned to Berkeley working at the research lab again on a full-time basis. He said he worked there until approximately August of 1964 and felt he was again exposed to asbestos from the Bunsen burner pads and mittens. He did not know the manufacturer or supplier of those items. Dr. Holinka was subsequently accepted as a graduate student in physiology at Berkeley. He stated that he took courses and conducted research on a full time basis until 1966 and did not do any outside work during that time. He again felt he was exposed to asbestos from Bunsen burner pads and mittens which were located in the Life Sciences building, although not in the laboratory in which he studied. He estimated that the laboratory had six to eight burners. In 1966 he received a graduate degree in physiology and then enrolled in graduate school studying comparative literature. He graduated from that program in 1968. Dr. Holinka stated that he did not feel he was exposed to any asbestos during that period of time. From 1968 until 1971, Dr. Holinka was a teaching assistant at Berkeley teaching French. Again, he did not feel he was exposed to any asbestos during that time frame.

Dr. Holinka was then accepted as a graduate student in biological sciences at SUNY Stony Brook and received his PhD in 1974. While in school he worked part-time at Columbia University Presbyterian Medical Center in clinical chemistry. He stated that he worked there two days a week, from midnight to 9:00 A.M. Dr. Holinka testified that he felt he was exposed to asbestos from using Bunsen burner pads and mittens at both the school and at his job. He stated that, at school, he worked in the anatomy department where they had three Bunsen burners in the lab. When asked if he could recall how often he would have to get replacement pads, he stated “about no more than once a month.” With regard to the mittens, he estimated that he would use them once every two days. He stated that he was not certain who supplied or manufactured either the pads or gloves/mittens.

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After receiving his Ph.D., Dr. Holinka then became a post-doctoral fellow at USC doing biological research and teaching. He stated that 90 percent of his time was spent doing research in the Gerontology building. He said there were four labs, ranging from 400 to 800 square feet in size, and each room had two to five Bunsen burners. In August 1977, Dr. Holinka went to work for Mount Sinai, initially as an instructor and then as an assistant professor in obstetrics, gynecology and reproductive science. He stated that he primarily conducted research in three different rooms. He felt that he was exposed to asbestos from Bunsen burner pads and mittens. He stated that he would have to change the pads "about once every two months" and said there were between two and five burners in each room. He estimated that he used mittens once a day at Mt. Sinai. Dr. Holinka remained at Mt. Sinai until July 1989.

Dr. Holinka then went to work for Organon, Inc. and from 1989 until 1992 he was the Director of Reproductive Medicine. He did not feel he was exposed to any asbestos during that time. In 1992 he then went to work for Johnson & Johnson as Assistant Director of Endocrinology and Metabolism. He stated that he had no reason to believe that he was exposed to any asbestos while working there. In 1996 he went to work for Kyowa Hakko Kogio as Director of Pharmaceutical Development and remained there for about nine months. He then became a full-time consultant; his clients included Johnson & Johnson and others.

According to his answers to interrogatories, Dr. Holinka is a lifelong non-smoker and no one in his household ever smoked. Dr. Holinka testified, however, that his ex-wife did briefly smoke for about a year and a half sometime between 1970, when they got married, and 1974-5 when she moved back to Germany. In July 2006, while on vacation in Germany, Dr. Holinka began experiencing shortness of breath and went to an internist. He subsequently had an x-ray taken which reportedly revealed that his right lung was substantially collapsed. After returning to the U.S. he had a pleural effusion drained, and tests on the fluid were negative. A biopsy of several lesions, however, revealed the presence of "bipolar mesothelioma." Dr. Holinka has since undergone chemotherapy treatments.

#### EXPERT OPINION

I have concluded with a reasonable degree of scientific certainty that Dr. Holinka was not exposed to harmful levels of asbestos from the presence and use of Bunsen burner pads and gloves/mittens, which would cause or contribute to his claimed asbestos related disease. The normal use of asbestos containing gloves/mittens and the Bunsen burner's wire gauze with an asbestos center, would not emit levels of asbestos during normal use that could cause or exacerbate Dr. Holinka's diagnosis of mesothelioma. These products were used intermittently by Dr. Holinka for limited periods of time in laboratories, which have good general dilution ventilation.

The asbestos used in such laboratory gloves/mittens as described by Dr. Holinka is woven and maintains its integrity. I have personally conducted a test of an employee wearing asbestos gloves/mittens when repeatedly unloading glass from ovens on a production line and no

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measurable levels of asbestos were found based on the limits of detection of the method. Other such tests have also been conducted with similar results. Other tests have been conducted on gloves/mittens finding higher levels of exposure, but these studies were conducted in sealed small volume chambers, did not include background sample checks, did not determine if other sources of asbestos were in the test area, used only phase contrast microscopy (PCM) analyses and heated the gloves/mittens in a manner to which the gloves/mittens are not normally subjected.

The asbestos contained in the center of wire gauge is used to hold containers heated by Bunsen burners. Dr. Holinka testified that they were routinely replaced. Further, the temperatures to which the asbestos would be subjected would cause the asbestos to be transformed into forsterite as it degrades and possibly separates from the pad. Based on the routine changing of the pads, the bonding of the asbestos in the pad, the limited use of the pads, the ventilation in the laboratories, and the conversion of asbestos in the pad to forsterite as the pads deteriorate, he would not have been exposed to harmful levels of asbestos.

Furthermore, the type of asbestos used in such gloves/mittens and Bunsen burner pads is chrysotile which is more soluble in the lungs and is removed from the lungs by physiologic actions, and thus, has a lower propensity for causing pulmonary disease than some other forms of asbestos. In addition, valid epidemiology studies have shown that chrysotile has little or no potential for causing an increase in the risk of getting mesothelioma.<sup>1,2</sup> The asbestos dose that Dr. Holinka potentially could have received from wearing asbestos gloves/mittens is insignificant compared to the amount required to develop an asbestos-related disease.

This opinion is based on my education and over 35 years of experience as an industrial hygienist and toxicologist. My experience includes evaluation of health hazards in vehicle repair facilities, foundries, building maintenance, steel mills, manufacturing facilities and shipyards. It also includes evaluations of pneumoconiosis-producing dusts, such as asbestos. As a consultant and former manager of health and safety for the U.S. Environmental Protection Agency, I have evaluated buildings and industrial environments to determine asbestos health hazards from use of asbestos-containing materials (ACMs) used as insulation materials, friction materials, and decorative building materials. I have collected over 1,000 asbestos bulk and air samples in a variety of situations.

I have specifically collected air samples while various ACMs were being handled, used and removed, which included: transite and other encapsulated materials, refractory insulation materials for furnaces, and other equipment in foundries and steel mills, brake linings, as well as thermal insulation used in pipe covering.

Based on over 35 years of experience in the industrial hygiene field, and knowledge of the literature regarding the health hazards of asbestos, I am familiar with the findings and conclusions of researchers in the field of occupational health regarding asbestos health hazards and of the practices of occupational health professionals with respect to safeguarding workers from harmful asbestos products. The following discussion sets forth the basis for my opinions.



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## **ANALYSIS**

### **Asbestos Containing Gloves and Bunsen Burner Pads**

Asbestos fibers have been used for many years in manufacturing woven textiles including asbestos gloves/mittens used to provide protection from heat. Asbestos gloves/mittens have been used in the past in most laboratories where heated operations such as the use of ovens were involved. I used asbestos gloves and mittens for about ten years in the analytical laboratory of the Occupational and Environmental Health Department of Wayne State University College of Medicine where I was a part time chemist and also where I attended graduate school.

The normal use of such gloves/mittens in handling heated materials would not result in harmful emissions of asbestos fibers as the fibers are embedded in the matrix of the gloves/mittens and the minimal intermittent use would not degrade the materials. As mentioned, I have conducted an air sampling survey of an employee where I obtained a breathing zone air sample which was analyzed for asbestos using an OSHA approved light microscope analysis. The sample was taken while the employee was continuously unloading hot windshield glass from a Lehr bending furnace. The results of the analysis demonstrated that the employee was not exposed to any asbestos from the use of the gloves/mittens based on the limit of detection for the method. A test to determine asbestos emissions from asbestos containing protective equipment has been conducted by the National Institute for Occupational Safety and Health (NIOSH) where the results of placing an air sampling cassette within the breathing zone of an asbestos hood used by firefighter did not show that the wearer of the hood was exposed to harmful levels of asbestos.

Asbestos pads have been used for many years in laboratory settings to protect beakers and other glassware from the intense heat of the flame from Bunsen burners, which can reach up to approximately 1500°C. The pads consisted of a wire screen which was then coated with a thin chrysotile asbestos pad in the center. At temperatures above 500°C, however, chrysotile begins to be transformed into an amorphous mineral called forsterite, which is not fibrous. Forsterite is chemically similar to chrysotile, but without attached water molecules called "water of hydration." This water loss occurs quickly and completely at temperatures of around 700°C to 800°C.<sup>3</sup> When fibrous chrysotile loses these water molecules, it loses its flexible fibrotic nature. Indeed, Dr. Holinka testified that the burner pads that he used became "brittle due to the high heat," which is consistent with the chrysotile fibers decomposing to non-asbestos forsterite. Further, he mentioned that when the pads deteriorated, they were replaced. Thus, he would not have been exposed to harmful levels of asbestos from handling and disposing of old pads.

### **Knowledge of asbestos hazards in the past**

While excessive exposure to asbestos was known to cause a fibrogenic lung disease early in the last century, it was not identified as a confirmed human carcinogen until some time in the

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late seventies or even the early nineteen eighties. Further, high exposures such as those associated with working with large amounts of raw asbestos were thought to be required to cause lung disease. Based on that knowledge, the federal government set an exposure limit of 5 million particles per cubic foot (mppcf) in 1938 which is roughly equivalent to 30 fibers per cubic centimeter or three hundred times the current federal limit. The 5 mppcf limit remained in effect as the federal limit until the early 1970s.

Employees working with finished asbestos products were not thought to be at risk of developing any asbestos related disease. In the mid 1940s, a study was conducted of insulators and the results indicated that insulators were not at risk of developing an asbestos related disease. When epidemiological studies first suggested that asbestos was a carcinogen in the mid 1950s, it was thought that high exposure would be necessary to cause cancer and that some scarring of the lungs would also have to occur. It was not until the mid 1960s when a study of insulators suggested that they were at risk of developing not only a fibrotic lung disease, but also cancer. A study in South Africa in 1960 suggested that exposure to amphibole asbestos caused mesothelioma, but most insulation in the United States was chrysotile. While Selikoff's articles in the mid 1960s saw an increase in cancer in the insulation workers that they were observing, the occupational health community did not conclude that asbestos was a carcinogen. There were also other studies such as the Braun study suggesting that exposure to asbestos did not cause cancer. Selikoff's work did stimulate discussions regarding the carcinogenicity of asbestos and additional studies were undertaken to confirm or deny the conclusions that Selikoff had drawn.

In 1972, the Occupational Safety and Health Administration (OSHA) promulgated their first complete chemical standard which was for asbestos. While they discussed the carcinogenicity of asbestos, they did not regulate as a carcinogen. In fact, they did not regulate asbestos as a carcinogen until 1985 when they attempted to set an emergency standard for asbestos. The National Institute for Occupational Safety and Health (NIOSH) also did not suggest regulating asbestos as a carcinogen in their Criteria Document on asbestos although they did discuss the carcinogenicity of asbestos. NIOSH did not recommend regulating asbestos as a carcinogen until 1976 when additional studies had been conducted providing additional support for the conclusion that asbestos was carcinogenic. As mentioned, within the next few years after that, the occupational health community recognized that asbestos was a known human carcinogen. Most of Dr. Holinka's work in the routine analysis of biological samples when he might have routinely worn asbestos gloves/mittens and used Bunsen burner pads occurred prior to the early 1970s at around the time of the promulgation of the OSHA asbestos standard.

#### **The Occupational Safety and Health Administration Act and Hazard Communication Standard**

OSHA was created by the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590, et seq., 29 U.S.C., et seq.). The goal was to assure so far as possible, that every working man and woman in the Nation, have safe and healthful working conditions, and to preserve our human resources. The Act requires, in part, that every employer covered under the Act furnish to his employees "employment and a place of employment, which is free from



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recognized hazards that are causing or are likely to cause death or serious physical harm." The Act gave the Department of Labor the authority to create standards, conduct inspections, issue citations and propose penalties for alleged violations. OSHA is the agency in the Department of Labor to which the legislation assigns the responsibility for carrying out the aforementioned act.

### **Employer Responsibility**

As described in the aforementioned act, it is the employer's responsibility to provide a safe work environment for employees. While the act requires employees to comply with standards and rules that are applicable to their own actions and conduct, it is the employer who has the means to provide a safe environment. Under law, the employer is even empowered to discipline employees who do not comply with health and safety requirements of the employer. When OSHA conducts an inspection and observes an employee not following the regulations, it is the employer who is cited, not the employee. Employees have the right to notify OSHA of alleged violations in their workplace and not have any reprisals against them by the employer.

Only the employer has the ability to ensure that employees work in a safe and healthful environment. The employer is the only entity that can:

- Control what materials are purchased to be used in the facility, including both production and non-production materials;
- Control the ventilation conditions in the building and selection of the building itself;
- Provide and install engineering equipment to protect workers;
- Set work rates and work practices;
- Provide for training of employees in hazard recognition and safe work practices; and
- Monitor the environment to determine if employees are exposed to levels of chemicals, which might be harmful.

Even prior to the formation of OSHA, companies were required to provide safe and healthful working conditions which are also consistent with good industrial hygiene. Dr. Holinka worked at hospitals and from 1977 until 1989 worked at Mr. Sinai, where Dr. Selikoff did his research on asbestos. Thus, Dr. Holinka's employers knew or should have known of the hazards associated with asbestos to the extent that those hazards were known by the occupational health and safety community during the various time periods that he worked for them. A number of states had an asbestos exposure limit well before OSHA promulgated their asbestos standard, which was 5 mppcf as discussed earlier. Thus, Dr. Holinka's employers would have been responsible for ensuring that he was not exposed to harmful levels of asbestos.

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### CONCLUSIONS

Dr. Holinka was not exposed to harmful levels of asbestos from the presence and use of asbestos containing gloves/mittens and Bunsen burner pads during his career. The reasons that Dr. Holinka's diagnosis of mesothelioma would not have been caused or exacerbated by possibly working with asbestos containing gloves/mittens and Bunsen burner pads are as follows:

- Studies conducted on asbestos exposure associated with the use of asbestos gloves/mittens have shown that users are not exposed to harmful levels of asbestos;
- The form of asbestos used in both the mittens and the Bunsen burner pads would have been chrysotile and valid epidemiology studies have shown that chrysotile has little or no potential for causing an increase in the risk of developing mesothelioma;
- The use or handling of asbestos mittens and Bunsen burner pads is intermittent and generally for short periods of time;
- Dr. Holinka did not work in laboratory continuously and only worked in routine analytical determinations of biological specimens for a limited period of time;
- Laboratories usually have one pass ventilation, thus diluting any fibers emitted into the air;
- Asbestos gloves/mittens are woven products and the asbestos is contained within the fabric of the glove; and
- The intense heat from the Bunsen burners would have converted the chrysotile fibers in the pads to non-asbestos forsterite.

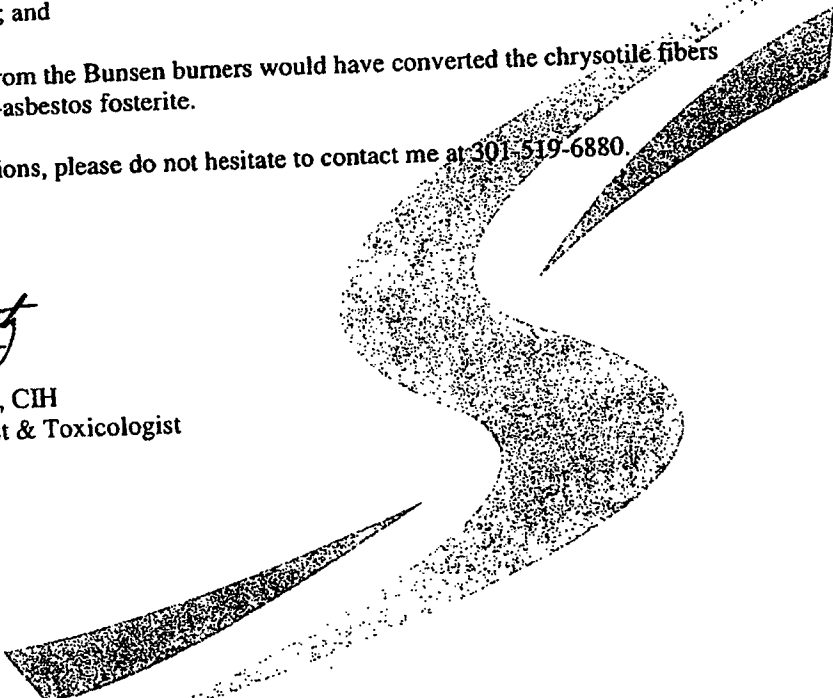
If you have any questions, please do not hesitate to contact me at 301-519-6880.

Sincerely,



Sheldon H. Rabinovitz, PhD, CIH  
Certified Industrial Hygienist & Toxicologist

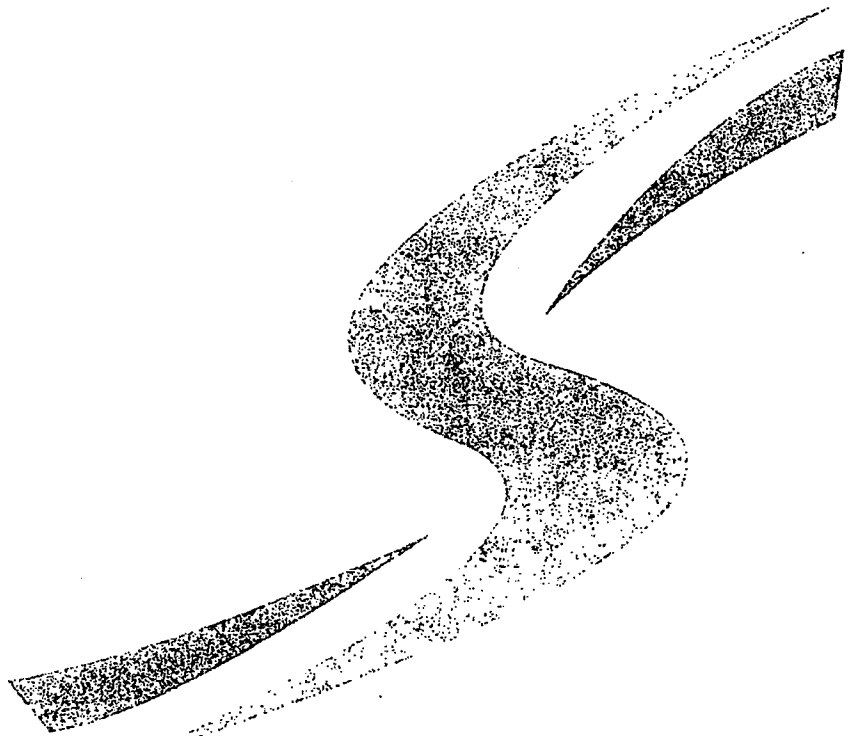
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#### REFERENCES

- <sup>1</sup> Liddell, F.D.K., McDonald A.D., and McDonald, J.C. "The 1891-1920 Birth Cohort of Health of Quebec Chrysotile Mines and Millers: Development from 1904 and Mortality to 1992," Annals of Occupational Hygiene, 41 (1): 13-36, 1997.
- <sup>2</sup> McDonald, A.D., J.S. Fry, A.J. Woolley and J.C. McDonald. "Dust Exposure and Mortality in an American Chrysotile Asbestos Friction Products Plant," British Journal of Industrial Medicine, 41, 151-157, 1984.
- <sup>3</sup> Langer, Arthur M. "Reduction of the biological potential of chrysotile asbestos arising from conditions of service on brake pads," Regulatory Toxicology and Pharmacology, 38: 71-77, 2003.



**Exhibit D**

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SUPREME COURT

ALL COUNTIES WITHIN THE STATE OF NEW YORK

IN RE: NEW YORK CITY ASBESTOS LITIGATION

DEPOSITION UNDER ORAL

EXAMINATION OF

CHRISTIAN HOLINKA

(VOLUME II)

This Document Applies To:

CHRISTIAN HOLINKA

INDEX NO.: 114120-06

PRIORITY ONE COURT REPORTING SERVICES, INC.

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Staten Island, New York 10314

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<p>1 58</p> <p>2 Transcript of the deposition of the Plaintiff,</p> <p>3 called for Oral Examination in the above-captioned</p> <p>4 matter, said deposition being taken pursuant to</p> <p>5 Federal Rules of Civil Procedure by and before</p> <p>6 CHERYL F. BAREN, a Notary Public and Shorthand</p> <p>7 Reporter, at the Offices of Weitz &amp; Luxenberg, 120</p> <p>8 Wall Street, New York, New York, on Thursday, February</p> <p>9 22, 2007, commencing at approximately 10:30 in the</p> <p>10 forenoon.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 60</p> <p>2 DRINKER, BIDDLE &amp; REATH, LLP</p> <p>3 Attorneys for Defendant Baxter Health Care</p> <p>4 500 Campus Drive</p> <p>5 Florham Park, New Jersey 07932-1047</p> <p>6 BY: TIMOTHY J. FRASER, ESQ.</p> <p>7</p> <p>8 HOAGLAND, LONGO, MORAN, DUNST &amp; DOUKAS, LLP</p> <p>9 Attorneys for Defendant Fisher Scientific</p> <p>10 40 Paterson Street</p> <p>11 P.O. Box 480</p> <p>12 New Brunswick, New Jersey 08903</p> <p>13 BY: KRISTY KULINA LYONS, ESQ.</p> <p>14</p> <p>15 McGIVNEY &amp; KLUGER, P.C.</p> <p>16 Attorneys for Defendant Beckman Coulter</p> <p>17 80 Broad Street, 23rd Floor</p> <p>18 New York, New York 10004</p> <p>19 BY: LAURA HOLLMAN, ESQ.</p> <p>20</p> <p>21 WILSON, ELSER, MOSKOWITZ, EDELMAN &amp; DICKER, LLP</p> <p>22 Attorneys for Defendant A.W. Chesterton</p> <p>23 150 East 42nd Street</p> <p>24 New York, New York 10017</p> <p>25 BY: TODD DESIMONE, ESQ.</p> <p>26</p> <p>27 MALABY, CARLISLE &amp; BRADLEY, LLC</p> <p>28 Attorneys for Defendants Adience, CBS,</p> <p>29 and Kewanee Scientific</p> <p>30 150 Broadway</p> <p>31 New York, New York 10038</p> <p>32 BY: DAVID F. SCHAFER, ESQ.</p> <p>33 KOO LEE, ESQ.</p> <p>34</p> <p>35</p>
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<p>1 59</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 WEITZ &amp; LUXENBERG, P.C.</p> <p>5 Attorneys for Plaintiff</p> <p>6 180 Maiden Lane, 17th Floor</p> <p>7 New York, New York 10038</p> <p>8 BY: BENJAMIN DARCHÉ, ESQ.</p> <p>9</p> <p>10 DRINKER, BIDDLE &amp; REATH, LLP</p> <p>11 Attorneys for Defendants VWR International,</p> <p>12 Inc. and Univar USA, Inc.</p> <p>13 One Logan Square</p> <p>14 18th and Cherry Streets</p> <p>15 Philadelphia, Pennsylvania 19103-6996</p> <p>16 BY: DAVID F. ABERNETHY, ESQ.</p> <p>17</p> <p>18 REED SMITH, LLP</p> <p>19 Attorneys for Defendant Manor Health Care</p> <p>20 Princeton Forrestal Village</p> <p>21 136 Main Street, Suite 250</p> <p>22 P.O. Box 7839</p> <p>23 Princeton, New Jersey 08543-7839</p> <p>24 BY: GREG A. DADIKA, ESQ.</p> <p>25</p> <p>26 PEHLIVANIAN, BRAATEN &amp; PASCARELLA, LLC.</p> <p>27 Attorneys for Defendant Ingersoll Rand Co.</p> <p>28 2430 Route 34</p> <p>29 Manasquan, New Jersey 08736</p> <p>30 BY: SYLVIA K. LEE, ESQ.</p> <p>31</p> <p>32 DARGER &amp; ERRANTE, LLP</p> <p>33 Attorneys for Defendant Lennox Industries</p> <p>34 116 East 27th Street, 12th Floor</p> <p>35 New York, New York 10016</p> <p>36 BY: CRAIG GLANTZ, ESQ.</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p>	<p>1 61</p> <p>2 ANDERSON, KILL &amp; OLICK, P.C.</p> <p>3 Attorneys for Defendants</p> <p>4 Amchem and CertainTeed</p> <p>5 1251 Avenue of the Americas</p> <p>6 New York, New York 10020-1182</p> <p>7 BY: SANDRA STEINMAN, ESQ.</p> <p>8</p> <p>9 LEADER &amp; BERKON, LLP</p> <p>10 Attorneys for Defendant DuPont</p> <p>11 630 Third Avenue, 17th Floor</p> <p>12 New York, New York 10017</p> <p>13 BY: JUDITH A. JOSEPH JENKINS, ESQ.</p> <p>14</p> <p>15</p> <p>16 DARGER &amp; ERRANTE, LLP</p> <p>17 Attorneys for Defendant Lennox Industries</p> <p>18 116 East 27th Street, 12th Floor</p> <p>19 New York, New York 10016</p> <p>20 BY: MICHAEL T. LEWANDOWSKI, ESQ.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p>



<p style="text-align: right;">Page 6</p> <p>1 62</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by and between</p> <p>3 the attorneys for the respective parties hereto that</p> <p>4 filing, sealing and certification of the within</p> <p>5 Examination Before Trial be waived; that all</p> <p>6 objections, except as to form, are reserved to the</p> <p>7 time of trial.</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that the</p> <p>9 transcript may be signed before any Notary Public with</p> <p>10 the same force and effect as if signed before a Clerk</p> <p>11 or Judge of the Court.</p> <p>12 IT IS FURTHER STIPULATED AND AGREED that the</p> <p>13 within examination may be utilized for all purposes as</p> <p>14 provided by the CPLR.</p> <p>15 IT IS FURTHER STIPULATED AND AGREED that all</p> <p>16 rights provided to all parties by the CPLR shall not</p> <p>17 be deemed waived and the appropriate sections of the</p> <p>18 CPLR shall be controlling with respect thereto.</p> <p>19 IT IS FURTHER STIPULATED AND AGREED by and</p> <p>20 between the attorneys for the respective parties</p> <p>21 hereto that a copy of the Examination shall be</p> <p>22 furnished, without charge, to the attorney</p> <p>23 representing the witness testifying herein.</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 Christian Holinka 64</p> <p>2 If you do not understand any of my</p> <p>3 questions, will you be sure to tell me?</p> <p>4 A Yes.</p> <p>5 Q All of your responses do also have to be</p> <p>6 verbal because the Court Reporter over here cannot</p> <p>7 take down physical gestures or things like that.</p> <p>8 Have you had an opportunity to read the</p> <p>9 transcript or typed up version of the testimony that</p> <p>10 you gave a couple of weeks ago?</p> <p>11 A Yes, I have.</p> <p>12 Q And in review of that, were there any</p> <p>13 significant changes or alterations that you feel were</p> <p>14 not properly reflected in the testimony you gave?</p> <p>15 A No significant changes.</p> <p>16 Q As was the case a couple of weeks ago, if</p> <p>17 at the moment I ask you a question you do not know the</p> <p>18 answer to it but then at some point later on it comes</p> <p>19 to you, that is fine, just let us know and we will</p> <p>20 deal with it at that time. We want to make sure there</p> <p>21 is an accurate record and give you every option to</p> <p>22 make an accurate record.</p> <p>23 Did you take any medications before coming</p> <p>24 here today?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 7</p> <p>1 Christian Holinka 63</p> <p>2 CHRISTIAN HOLINKA, the</p> <p>3 Plaintiff herein, after previously having been</p> <p>4 duly sworn by a Notary Public of the State of New</p> <p>5 York, was examined and testified as follows:</p> <p>6 CONTINUED DIRECT EXAMINATION</p> <p>7 BY MR. SCHAFFER:</p> <p>8 Q Good morning, sir.</p> <p>9 A Good morning.</p> <p>10 Q My name is David Schaffer, we met off the</p> <p>11 record just a moment ago. I am with the law firm of</p> <p>12 Malaby, Carlisle and Bradley, and I am here to</p> <p>13 continue the questioning that was started by my</p> <p>14 colleague a couple of weeks ago, Cori Leavitt, who</p> <p>15 could not be here.</p> <p>16 I have read your transcript from the</p> <p>17 testimony you gave a couple of weeks ago and I am</p> <p>18 going to try not to repeat things. To the extent that</p> <p>19 I do, please bear with me and we will get through this</p> <p>20 as quickly as we can.</p> <p>21 The same ground rules that Ms. Leavitt went</p> <p>22 over with you apply. Please, wait until I finish my</p> <p>23 question completely before you start your answer. I</p> <p>24 will afford you the same courtesy and wait for you to</p> <p>25 finish your answer before I start my next question.</p>	<p style="text-align: right;">Page 9</p> <p>1 Christian Holinka 65</p> <p>2 Q When did you review the transcript of the</p> <p>3 last session?</p> <p>4 A Today.</p> <p>5 Q How long did you go over it?</p> <p>6 A About ten minutes.</p> <p>7 Q Besides possibly representatives of your</p> <p>8 law firm, did you talk with anyone else about the</p> <p>9 testimony you gave and plan to give today?</p> <p>10 A No.</p> <p>11 MR. SCHAFFER: Off the record.</p> <p>12 (Discussion held off the record)</p> <p>13 Q It is my understanding, sir, that you came</p> <p>14 to the United States in around 1956 after finishing</p> <p>15 the boarding school in Oldenburg; is that right?</p> <p>16 A That's correct.</p> <p>17 Q Now, when you came to the United States,</p> <p>18 what was the first employment that you had?</p> <p>19 A I worked briefly as an elevator operator</p> <p>20 for about five weeks.</p> <p>21 Q And where was that job?</p> <p>22 A That was at the Commodore Hotel in New York</p> <p>23 City.</p> <p>24 Q And was that in 1956?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 10</p> <p>1 Christian Holinka 66</p> <p>2 Q Do you know approximately when? Even a</p> <p>3 season would be fine.</p> <p>4 A November of '56.</p> <p>5 Q And did that employment carry through into</p> <p>6 1957?</p> <p>7 A No.</p> <p>8 Q Do you believe that you were exposed to</p> <p>9 asbestos in any way while you were working as an</p> <p>10 elevator operator?</p> <p>11 A I do not know.</p> <p>12 Q What were your duties as an elevator</p> <p>13 operator?</p> <p>14 A Operate the elevator.</p> <p>15 Q Bringing individuals up and down the floors</p> <p>16 of the hotel?</p> <p>17 A Yes.</p> <p>18 Q Did you run only the passenger elevators as</p> <p>19 opposed to cargo elevators?</p> <p>20 A Only passenger.</p> <p>21 Q What was the next job that you held after</p> <p>22 being an elevator operator?</p> <p>23 A United States Army.</p> <p>24 Q And when did you join the Army?</p> <p>25 A In November 1956.</p>	<p style="text-align: right;">Page 12</p> <p>1 Christian Holinka 68</p> <p>2 life or events going on in the world, that helps us</p> <p>3 work with a timeline a little bit.</p> <p>4 A Understood.</p> <p>5 Q How long did you work at Booth?</p> <p>6 A Three and a half months.</p> <p>7 Q What was your position there when you</p> <p>8 started?</p> <p>9 A A laboratory technician.</p> <p>10 Q And did you hold that same position</p> <p>11 throughout the entire time you were there?</p> <p>12 A Yes.</p> <p>13 Q What were your duties as a laboratory</p> <p>14 technician?</p> <p>15 A Clinical chemistry, analysis of human</p> <p>16 material serum, urine to an extent.</p> <p>17 Q Were you as a technician responsible for</p> <p>18 screening for any particular types of illnesses or</p> <p>19 problems with respect to the human materials?</p> <p>20 A No.</p> <p>21 Q Do you know if your screening involved the</p> <p>22 screening of any contagions of any type?</p> <p>23 A No.</p> <p>24 Q You do not know?</p> <p>25 A No, I didn't screen for any contagious</p>
<p style="text-align: right;">Page 11</p> <p>1 Christian Holinka 67</p> <p>2 MR. DARCHE: Off the record.</p> <p>3 (Discussion held off the record)</p> <p>4 Q And you left the Army at what point, sir?</p> <p>5 A In 1959, July or August.</p> <p>6 Q And at that point, sir, did you hold any</p> <p>7 other jobs before going on to UC Berkeley?</p> <p>8 A Yes.</p> <p>9 Q Can you tell me what was the next</p> <p>10 employment you had after you were discharged?</p> <p>11 A Booth Memorial Hospital in New York, in</p> <p>12 Queens.</p> <p>13 Q When did you start at Booth Memorial?</p> <p>14 A In late 1959, I think September.</p> <p>15 Q And if Ms. Leavitt did not give you this</p> <p>16 instruction last time, I will give it to you now: To</p> <p>17 the extent that I am asking you about things that</p> <p>18 happened to some degree decades even in the past, if</p> <p>19 there is a way that you can give me your best estimate</p> <p>20 if you do not know precisely, that is fine,</p> <p>21 understood? If you are just flat-out guessing, nobody</p> <p>22 here wants you to do that. Tell me you do not know</p> <p>23 and we will move forward. But we are entitled to a</p> <p>24 best estimate and sometimes if you can tie things like</p> <p>25 dates or events into either events in your personal</p>	<p style="text-align: right;">Page 13</p> <p>1 Christian Holinka 69</p> <p>2 material.</p> <p>3 Q Who was your supervisor when you were</p> <p>4 working at Booth?</p> <p>5 A Dr. Blaustein.</p> <p>6 Q Do you remember Dr. Blaustein's first name?</p> <p>7 A Ansel.</p> <p>8 Q Is Dr. Blaustein still alive, if you know?</p> <p>9 A No. No, he's not still alive.</p> <p>10 Q I try not to ask questions in an ambiguous</p> <p>11 fashion but please, clarify as you are doing.</p> <p>12 Besides yourself were there other</p> <p>13 laboratory technicians working alongside you with</p> <p>14 similar duties?</p> <p>15 A The section head of the laboratory.</p> <p>16 Q And who was that?</p> <p>17 A Her name is Olga, first name, last name</p> <p>18 Bzrorad. I'm going to try to spell it.</p> <p>19 Q Okay, thank you.</p> <p>20 A B-Z-R-O-R-A-D. I'm not sure of the</p> <p>21 spelling.</p> <p>22 Q And is Olga still alive?</p> <p>23 A Yes -- I don't know but -- I don't know.</p> <p>24 Q When was the last time you had any contact</p> <p>25 with her?</p>

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1 Christian Holinka 70  
 2 A In 1960.  
 3 Q So, over 40 years ago?  
 4 A Uh-huh.  
 5 Q That is a yes, right?  
 6 A Yes.  
 7 Q So, was the chain of command you would  
 8 report to Olga and then Dr. Blaustein supervised  
 9 everybody?  
 10 A Yes, that's correct.  
 11 Q Did anybody else work with you at Booth  
 12 during that three and a half months?  
 13 A Yes.  
 14 Q Who else did?  
 15 A I don't remember their names.  
 16 Q Did they have duties similar to yours as a  
 17 lab technician?  
 18 A Yes.  
 19 Q What were your shift or hours typically?  
 20 A Nine to five, day shift.  
 21 Q Monday to Friday?  
 22 A Yes.  
 23 Q How did you get that job?  
 24 A I applied for it at the hospital. Being  
 25 trained in the Army as a medical laboratory

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1 Christian Holinka 71  
 2 technologist I was qualified.  
 3 Q During the time that you were at Booth, do  
 4 you believe that you were exposed to asbestos in any  
 5 way?  
 6 A Yes.  
 7 Q Do you believe that you personally handled  
 8 any materials that contained asbestos while at Booth?  
 9 A Yes.  
 10 Q Can you tell me all the different types of  
 11 materials that you handled that you believe contained  
 12 asbestos when you worked there?  
 13 A Bunsen burner pads that had a center round  
 14 asbestos component to diffuse the heat, distribute the  
 15 heat uniformly. And heat mittens that were used to  
 16 handle hot glass work from drying ovens or otherwise  
 17 hot.  
 18 Q How do you believe that you were exposed to  
 19 asbestos from the Bunsen burner pads at Booth?  
 20 A The asbestos gradually becomes brittle due  
 21 to the high heat and the heat moves the air really and  
 22 one would expect that dust particles would be  
 23 generated. Also once the Bunsen burner pad was no  
 24 longer usable because the center piece became brittle,  
 25 you dispose of it.

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1 Christian Holinka 72  
 2 Q And replace it?  
 3 A And replace it, yes.  
 4 Q Can you give us any sort of a  
 5 quantification as to how long a Bunsen burner pad  
 6 would last?  
 7 A It depends on the frequency of its use.  
 8 And usually a Bunsen burner is the principal heat  
 9 source of all the laboratories I've worked in.  
 10 Usually it's used pretty frequently, meaning certainly  
 11 daily, very frequently. I would guess, and that's not  
 12 a precise answer, that certainly every few days you  
 13 would replace it. But again, it depends upon the  
 14 frequency of use.  
 15 Q Understood. Would it also depend on the  
 16 temperature of the flame that was being used in any  
 17 application?  
 18 A I would say the flame temperature is pretty  
 19 constant. It's gas that comes right out of a burner.  
 20 Q Do you know what the temperature of the gas  
 21 typically was out of those Bunsen burners?  
 22 A No. Interesting question.  
 23 Q Do you know what the fuel source of the gas  
 24 was?  
 25 A I would imagine the same fuel source that

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1 Christian Holinka 73  
 2 was used in households for gas flames.  
 3 MR. DARCHE: Don't guess.  
 4 A I don't know.  
 5 Q And I am just asking you what you know.  
 6 How many Bunsen burners were in the lab  
 7 when you worked there?  
 8 A Half a dozen.  
 9 Q If there was an occasion as you described  
 10 that the pad had to be replaced, where would you get  
 11 the replacement pad from?  
 12 A It was standard equipment at a laboratory.  
 13 There was a supply cabinet and I took it from there.  
 14 Q Do you recall what the supply cabinet at  
 15 Booth looked like?  
 16 A No.  
 17 Q Do you recall what color the pads were at  
 18 Booth? Let's start with the new ones first.  
 19 A Well, the metal grid was grayish metal,  
 20 fine grayish metal, and the center round pad was tan,  
 21 whitish-tan, whitish-gray.  
 22 Q And the metal portion, was that like a  
 23 mesh?  
 24 A Yes.  
 25 Q How far across in diameter would the pad

Page 18

1 Christian Holinka 74  
2 section of that be?  
3 A About that wide. (Indicating)  
4 Q Which would be what, sir? Since the Court  
5 Reporter cannot take down that gesture.  
6 A About 3 1/2 inches.  
7 Q And did the material protrude from the  
8 plane of the mesh both above and below it? Do you  
9 know what I mean?  
10 A Above, to my recollection mainly above.  
11 Q Any idea how thick the material was?  
12 A A few millimeters.  
13 Q Do you know the brand, trade or  
14 manufacturer's name of any of the Bunsen burner pads  
15 that you used at Booth Memorial?  
16 A There were standard suppliers to that lab  
17 and later during my research career such as Fisher  
18 Scientific, American Scientific, Senco, Van Waters and  
19 Rogers. Those were the major suppliers.  
20 MS. LYONS: Could you read that back,  
21 please.  
22 (Whereupon, at this time, the requested  
23 portion was read back by the reporter)  
24 Q And with respect, sir, and just limiting  
25 our question right now to the time you were at Booth,

Page 19

1 Christian Holinka 75  
2 do you know what company supplied the pads that were  
3 used at Booth?  
4 A No, I do not.  
5 Q The names that you gave me are names that  
6 you associate with supplier's pads throughout your  
7 career; is that right?  
8 A Yes. And if I may say so, Booth was a job.  
9 I walked in there in the morning, did my work unlike  
10 later my scientific career, did my work and was not  
11 really further involved in any of the details of the  
12 laboratory.  
13 Q I understand. Did you have any  
14 responsibility for ordering any of the supplies that  
15 were used at that lab?  
16 A No.  
17 Q Did you ever see any paperwork that  
18 accompanied any of the supplies that were ordered at  
19 the lab and present in the supply area?  
20 A No, I didn't.  
21 Q You indicated that you also used heat  
22 mittens at Booth?  
23 A Yes.  
24 Q With what frequency would you use the heat  
25 mittens?

Page 20

1 Christian Holinka 76  
2 A Daily.  
3 Q And I believe you said that you would use  
4 them to handle hot glassware; is that right?  
5 A Yes.  
6 Q Did you use them for any other application?  
7 A No.  
8 Q Did the mittens that you used at Booth --  
9 MR. SCHAFFER: Withdrawn.  
10 Q When you first started using the mittens at  
11 Booth, what did they look like? Let's start with  
12 color.  
13 A Tanish, light gray. And they had a thumb  
14 compartment and a compartment for the whole hand.  
15 Q So, they did not have individual fingers?  
16 A No.  
17 Q Did they cover just the hand or did they  
18 run a length up your arm to some degree?  
19 A Including the wrist. (Indicating)  
20 Q Did the gloves appear to be made of one  
21 continuous piece or did they have a sleeve or anything  
22 around the end of them by the wrist? Do you  
23 understand my question?  
24 A Yes.  
25 Q Okay.

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1 Christian Holinka 77  
2 A They did not have a sleeve to the best of  
3 my recollection.  
4 Q Were there any words or logos or anything  
5 of any nature printed on the gloves themselves that  
6 you used at Booth?  
7 A Not to my recollection, no.  
8 Q Did they have a different material on their  
9 inside as opposed to their outside?  
10 A By inside you mean inside the glove or on  
11 the one side of the glove versus the other?  
12 Q Well, let me start with the portion of the  
13 glove that you would slide your hand into that was  
14 immediately contacting your skin, was that surface  
15 similar to the surface that you would see on the  
16 outside of the glove?  
17 A To the best of my recollection, yes.  
18 Q And was there a difference in the exterior  
19 surface of the glove between the portion that covered  
20 your palm as opposed to the portion that covered the  
21 back of your hand?  
22 A To the best of my recollection, no.  
23 Q Do you have any information as to the  
24 brand, trade, manufacturer's name or supplier of the  
25 gloves that were used at Booth, specifically at Booth?

Page 22

1 Christian Holinka 78  
 2 A They were standard suppliers that were used  
 3 by the laboratory.  
 4 Q When you say standard suppliers, sir, let  
 5 me ask you as with the Bunsen burner pads, did you  
 6 have any responsibility to order the gloves that were  
 7 used at the lab?  
 8 A No, I didn't.  
 9 Q Do you know who did have that  
 10 responsibility?  
 11 A No.  
 12 Q And I can appreciate the fact that that was  
 13 just a job for you, sir, but specifically with respect  
 14 to Booth, do you know who manufactured or supplied any  
 15 of the gloves that you used there?  
 16 A There were major suppliers for laboratory  
 17 equipment and those suppliers supplied a broad  
 18 spectrum of what was needed at the laboratory.  
 19 Q Understood. But with respect to Booth, do  
 20 you know who specifically supplied the gloves you used  
 21 there?  
 22 A No, I do not.  
 23 Q Besides the gloves and the Bunsen burner  
 24 pads, do you believe you personally handled any other  
 25 types of materials at Booth that you think caused you

Page 23

1 Christian Holinka 79  
 2 to be exposed to asbestos?  
 3 A I do not know.  
 4 Q How long would a pair of gloves typically  
 5 last when you were using them?  
 6 A Again, it depends on the use of course. I  
 7 cannot estimate.  
 8 Q And as you sit here today, besides the pads  
 9 and the mittens -- I'm sorry, we have been calling  
 10 them gloves interchangeably.  
 11 A Gloves, mittens, yes.  
 12 Q Besides the pads and the mittens, are you  
 13 aware as you sit here today of any other way that you  
 14 may have been exposed to asbestos when you worked at  
 15 the lab at Booth?  
 16 A No, I am not aware of any other way.  
 17 Q Why did you leave the job at Booth?  
 18 A Because I was accepted by the University of  
 19 California at Berkeley as an undergraduate student.  
 20 Q And you went out to Berkeley and began your  
 21 study; is that right?  
 22 A Yes.  
 23 Q As an undergraduate student did you have  
 24 any major or particular field of study that you  
 25 pursued?

Page 24

1 Christian Holinka 80  
 2 A Physiology and French literature.  
 3 Q And did you get your undergraduate degree  
 4 in four years?  
 5 A In two and a half years.  
 6 Q Were you in a combined undergraduate and  
 7 Master's program?  
 8 A No.  
 9 Q Did you take classes 12 months of the year  
 10 to accelerate your graduation?  
 11 A That's correct.  
 12 Q During the time that you were taking  
 13 undergraduate classes at UC Berkeley, do you believe  
 14 that you were exposed to asbestos in any way?  
 15 A Yes, I was.  
 16 Q And again, limiting it to the two and a  
 17 half years that you were there as an undergraduate,  
 18 how do you believe that you were exposed to asbestos?  
 19 A I worked part-time at a research laboratory  
 20 with standard equipment including, of course, Bunsen  
 21 burners, heat mittens.  
 22 Q Besides the work part-time at the research  
 23 laboratory for those two and a half years, do you  
 24 believe that you were exposed to asbestos in any other  
 25 way while you were an undergraduate?

Page 25

1 Christian Holinka 81  
 2 A Well, as part of your laboratory courses in  
 3 academia, you do experiments requiring Bunsen burners.  
 4 Q Let's talk about then the part-time work  
 5 you did first. What was the name of the research  
 6 laboratory that you did the part-time work at?  
 7 A Department of physiology.  
 8 Q So, this was a lab that was affiliated with  
 9 the school?  
 10 A Yes.  
 11 Q When did you first start working there  
 12 part-time as an undergraduate?  
 13 A In spring 1960.  
 14 Q Did you work there continuously part-time?  
 15 A Yes.  
 16 Q For how long did you work there  
 17 continuously part-time?  
 18 A Until mid-1962.  
 19 Q And it was at that point that you had  
 20 completed your undergraduate work?  
 21 A Yes.  
 22 Q Where was the department of physiology lab  
 23 located?  
 24 A At the Life Sciences Building on the main  
 25 campus, University of Cal Berkeley.



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1 Christian Holinka 82  
 2 Q Do you know if that building is still  
 3 there?  
 4 A Yes.  
 5 Q It is?  
 6 A Yes, it is.  
 7 Q And when was the last time that you had an  
 8 opportunity to be in that building?  
 9 A About a year and a half ago, two years ago.  
 10 Q Did you have the opportunity to go to the  
 11 space where you worked out of in your last visit?  
 12 A I had the opportunity but I did not go into  
 13 the laboratories. The building has been completely  
 14 changed and renovated.  
 15 Q So, you understand that the physical layout  
 16 of the area where you were working part-time has  
 17 changed from the time that you were there?  
 18 A Yes.  
 19 Q When you were there can you give me an idea  
 20 of the size of the laboratory that you were in?  
 21 A In square feet?  
 22 Q Or by length and width, height, anything  
 23 you can do.  
 24 A It was two different rooms about 4 to 600  
 25 square feet.

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1 Christian Holinka 83  
 2 Q And did you work in both rooms?  
 3 A Yes.  
 4 Q Were the Bunsen burners in one room or both  
 5 rooms?  
 6 A In both.  
 7 Q How many Bunsen burners were in the rooms?  
 8 A About two each.  
 9 Q Did these Bunsen burners in their physical  
 10 appearance seem similar to those that you encountered  
 11 when you were at Booth?  
 12 A Yes.  
 13 Q How do you believe that you were exposed to  
 14 asbestos from the Bunsen burners as a part-time worker  
 15 at UC Berkeley?  
 16 A As the flame when it was used frequently,  
 17 the insert became brittle, it generated dust and it  
 18 had to be exposed — disposed of and replaced by  
 19 another pad.  
 20 Q Was there anything different about the  
 21 nature you believe you were exposed from those Bunsen  
 22 burners at UC Berkeley as opposed to those you  
 23 encountered at Booth?  
 24 A No.  
 25 Q Did you ever have any responsibility for

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1 Christian Holinka 84  
 2 replacing these spent pads while you were working  
 3 part-time at Berkeley?  
 4 A Yes.  
 5 Q And where would you get the replacement  
 6 pads from?  
 7 A The departmental supply cabinet.  
 8 Q And thinking back to the lab at Berkeley,  
 9 where was that located?  
 10 A At the Life Sciences Building in the  
 11 physiology department.  
 12 Q Was it located within the physical space of  
 13 the two rooms that comprised the lab?  
 14 A It was in a separate room, the supply room.  
 15 Q Down a hallway or something like that?  
 16 A Down a hallway, yes.  
 17 Q How many times do you recall picking up  
 18 replacement pads?  
 19 A I do not recall exactly.  
 20 Q Was there —  
 21 A An estimate is once every two or three  
 22 weeks.  
 23 Q And the replacement process would entail  
 24 removing the old pad, then what would happen with it?  
 25 A You dispose the old pad in general garbage,

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1 Christian Holinka 85  
 2 trash. There was to my knowledge no precaution  
 3 required at the time.  
 4 Q In order to remove the pad, did you have to  
 5 remove any screws or snaps or anything to take it away  
 6 from the rest of the burner itself?  
 7 A No, I didn't.  
 8 Q Just lifted it right up and it went?  
 9 A Yes.  
 10 Q Do you know the brand, trade or  
 11 manufacturer's name first of any of the Bunsen burner  
 12 pads that you replaced at Berkeley?  
 13 A I do not. We had standard suppliers and  
 14 the big suppliers were Fisher Scientific, American  
 15 Scientific, Van Waters and Rogers, Senco.  
 16 Q How do you spell Senco?  
 17 A S-E-N-C-O.  
 18 Q Do you know that each of those companies  
 19 was a supplier of materials generally to the lab that  
 20 you worked at part-time?  
 21 A Yes.  
 22 Q How did you know that each of them supplied  
 23 materials of whatever nature?  
 24 A They were major suppliers and I know they  
 25 were used for a number of materials for the



<p style="text-align: right;">Page 30</p> <p>1 Christian Holinka 86</p> <p>2 laboratory.</p> <p>3 Q What I am trying to find out, sir, is why</p> <p>4 you believe that those companies supplied materials of</p> <p>5 any nature to that lab, how did you come into that</p> <p>6 knowledge?</p> <p>7 A Because they were standard suppliers.</p> <p>8 Q How did you know that they were standard</p> <p>9 suppliers?</p> <p>10 A Well, among other things I ordered from</p> <p>11 them.</p> <p>12 Q When you were at the lab.</p> <p>13 A Yes.</p> <p>14 Q As a part-timer.</p> <p>15 A Yes.</p> <p>16 Q Did these companies have catalogs of their</p> <p>17 material available?</p> <p>18 A Very conspicuously, yes.</p> <p>19 Q Did each one of those companies have</p> <p>20 catalogs at the lab?</p> <p>21 A I do not specifically recall at Berkeley</p> <p>22 during my undergraduate days.</p> <p>23 Q Did the physical appearance of the pads</p> <p>24 that you used at Berkeley seem similar to those that</p> <p>25 you encountered at Booth?</p>	<p style="text-align: right;">Page 32</p> <p>1 Christian Holinka 88</p> <p>2 Q To transport it from point A to point B?</p> <p>3 A Or even to swirl it while it is being</p> <p>4 heated.</p> <p>5 Q I see, to grab the flask itself?</p> <p>6 A To dissolve the material. And you also use</p> <p>7 the mittens when you dry glassware in a hot drying</p> <p>8 oven at very high temperatures and then you handle it.</p> <p>9 If you want to cool it, you take it fast, you take it</p> <p>10 out into the open space.</p> <p>11 Q Besides the Bunsen burners and the mittens,</p> <p>12 do you believe that you personally used any other</p> <p>13 materials that contained asbestos while part-time at</p> <p>14 the lab?</p> <p>15 A I don't know.</p> <p>16 Q Is there anything that as you sit here</p> <p>17 today leads you to believe that there was other</p> <p>18 products that you handled that may have contained</p> <p>19 asbestos there?</p> <p>20 A I don't know.</p> <p>21 Q Besides the products that you handled, do</p> <p>22 you believe that you were exposed to asbestos in any</p> <p>23 other way when you were working part-time at the lab?</p> <p>24 A I don't know.</p> <p>25 Q You cannot give me any other specific way</p>
<p style="text-align: right;">Page 31</p> <p>1 Christian Holinka 87</p> <p>2 A Yes, they did.</p> <p>3 Q Same diameter of the pad area within the</p> <p>4 mesh?</p> <p>5 A Yes.</p> <p>6 Q And same width too?</p> <p>7 A Yes.</p> <p>8 Q How often would you be required to use heat</p> <p>9 mittens when you were part-time at the lab?</p> <p>10 A Several times a week.</p> <p>11 Q And for what application at the lab as a</p> <p>12 part-time worker would you use the mittens?</p> <p>13 A To handle hot glass work.</p> <p>14 Q And where would the glass work be coming</p> <p>15 from?</p> <p>16 A Standard glass work at the laboratory that</p> <p>17 they used for research. Erlenmeyer flasks, other</p> <p>18 flasks, beakers, standard glass material.</p> <p>19 Q What application would require you to use</p> <p>20 the gloves to handle these standard pieces of</p> <p>21 glassware?</p> <p>22 A When you have a flask you put it on the</p> <p>23 Bunsen burner pad, you heat water or whatever liquid,</p> <p>24 you swirl it, obviously you have to use the glove</p> <p>25 because the glass is hot.</p>	<p style="text-align: right;">Page 33</p> <p>1 Christian Holinka 89</p> <p>2 that you think you may have been exposed to asbestos</p> <p>3 when you were at the lab?</p> <p>4 MR. DARCHE: Objection to the form.</p> <p>5 MR. SCHAFER: I will rephrase the</p> <p>6 question.</p> <p>7 Q Looking back is there any other way that</p> <p>8 you can think of at this time that you may have been</p> <p>9 exposed to asbestos there?</p> <p>10 A I do not know what other equipment may or</p> <p>11 may not have contained asbestos.</p> <p>12 Q Did you --</p> <p>13 A If yes then --</p> <p>14 MR. DARCHE: Don't guess.</p> <p>15 Q Going to the mittens for a moment, did</p> <p>16 these resemble those that you had encountered at</p> <p>17 Booth?</p> <p>18 A Yes.</p> <p>19 Q Was there anything different about their</p> <p>20 physical appearance in terms of their color or their</p> <p>21 size or anything at all that distinguished them from</p> <p>22 those at Booth?</p> <p>23 A No, they were similar.</p> <p>24 Q Do you know specifically the brand, trade</p> <p>25 or manufacturer of the mittens that were used when you</p>

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1 Christian Holinka 90  
 2 were at the lab part-time?  
 3 A No.  
 4 Q Do you believe that they were supplied by  
 5 one of the companies that you have identified?  
 6 A Yes.  
 7 Q Do you know which of those companies, if  
 8 any, actually supplied the mittens while you were  
 9 there?  
 10 A I do not know any specific company. Again,  
 11 they were standard suppliers.  
 12 Q You said that as a part --  
 13 MR. SCHAFFER: Withdrawn.  
 14 Q You said that while working there part-time  
 15 you had some responsibility for ordering supplies; is  
 16 that right?  
 17 A Yes.  
 18 Q Do you specifically recall ordering any  
 19 Bunsen burner pads?  
 20 A No, I never did.  
 21 Q Do you specifically recall ordering any  
 22 mittens while you were there part-time?  
 23 A No, I never did order any.  
 24 Q While you were there part-time, do you know  
 25 who had that responsibility when you were there?

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1 Christian Holinka 91  
 2 A I don't know.  
 3 Q Did you work with other people there?  
 4 A No, I didn't.  
 5 Q Were there other students who held  
 6 part-time positions similar to you?  
 7 A Yes, at other laboratories.  
 8 Q At other laboratories located on the  
 9 campus?  
 10 A In the physiology department, yes, on the  
 11 campus.  
 12 Q Were there additional laboratories in this  
 13 building where other students worked where you did not  
 14 work?  
 15 A I don't know.  
 16 Q Did the two room laboratory in the Life  
 17 Sciences Building have any specific name or room  
 18 number or designation or anything like that?  
 19 A A room number.  
 20 Q Yes.  
 21 A Certainly.  
 22 Q Do you remember what that was?  
 23 A No.  
 24 Q You mentioned also that you took lab  
 25 courses while you were an undergraduate.

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1 Christian Holinka 92  
 2 A Yes.  
 3 Q How many lab courses did you take?  
 4 MR. SCHAFFER: I'm sorry, I will withdraw  
 5 the question.  
 6 Q My question is how many lab courses did you  
 7 take that you believe may have involved asbestos  
 8 exposure.  
 9 A About a half a dozen.  
 10 Q What type of courses were these?  
 11 A Chemistry, physiology.  
 12 Q Did you take these classes in the Life  
 13 Sciences Building?  
 14 A In several buildings, physiology and the  
 15 Life Sciences Building.  
 16 Q Were the physiology classes taken at least  
 17 in part in the same lab where you worked part-time?  
 18 A No.  
 19 Q Different space entirely?  
 20 A Yes.  
 21 Q Just going back for a moment to when you  
 22 were a part-time worker, about how many hours on  
 23 average did you put in there?  
 24 A Between 12 and 20 hours a week.  
 25 Q And who was your supervisor when you were

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1 Christian Holinka 93  
 2 there?  
 3 A Dr. Cook.  
 4 Q Do you know Dr. Cook's first name?  
 5 A Sherburne.  
 6 Q And is Dr. Cook still alive?  
 7 A No.  
 8 Q The classes that you took in chemistry and  
 9 physiology, how do you believe you were exposed to  
 10 asbestos through taking those classes?  
 11 A The asbestos pad, as I said, when exposed  
 12 to high heat disintegrated eventually. There were  
 13 cracks in it and it generated fine dust. I did not  
 14 dispose, that was somebody else's job.  
 15 Q So, it would have been through your use of  
 16 the Bunsen burners and these pads --  
 17 A Yes.  
 18 Q -- at times while taking these classes?  
 19 A Yes.  
 20 Q Was there a standard amount of Bunsen  
 21 burners present in the labs that you would take these  
 22 classes in?  
 23 A One per workbench.  
 24 Q Would you typically work at the same  
 25 workbench each class or would it just be random?

<p style="text-align: right;">Page 38</p> <p>1 Christian Holinka 94</p> <p>2 A In a given course the same workbench.</p> <p>3 Q Did you wind up taking different courses,</p> <p>4 say in chemistry, that wound up being in the same room</p> <p>5 but different work spaces?</p> <p>6 A I don't think the same room and, therefore,</p> <p>7 also different work spaces.</p> <p>8 Q And then going to the physiology classes,</p> <p>9 did you take different courses in physiology where you</p> <p>10 used these Bunsen burners?</p> <p>11 A Yes.</p> <p>12 Q Were they all in the same classroom or</p> <p>13 different classrooms?</p> <p>14 A Different laboratories.</p> <p>15 Q And different work spaces?</p> <p>16 A Yes.</p> <p>17 Q Do you know the brand, trade or</p> <p>18 manufacturer's name of any of the pads that were used</p> <p>19 on the Bunsen burners that you encountered in any of</p> <p>20 these classes?</p> <p>21 A Of the pads, you're saying?</p> <p>22 Q Yes, of the pads.</p> <p>23 A I do not specifically know the brand names.</p> <p>24 Q Do you know who was the supplier of those</p> <p>25 pads that you encountered specifically in those rooms?</p>	<p style="text-align: right;">Page 40</p> <p>1 Christian Holinka 96</p> <p>2 manufacturer's name of any of the mittens that you</p> <p>3 used in any of these courses?</p> <p>4 A No.</p> <p>5 Q Were they similar in appearance to the</p> <p>6 mittens that you encountered while working part-time</p> <p>7 in the lab?</p> <p>8 A Yes, they were.</p> <p>9 Q Anything distinguishing in your mind about</p> <p>10 them as opposed to what you saw in the lab?</p> <p>11 A To my knowledge, no.</p> <p>12 Q That is all I am asking is to your</p> <p>13 knowledge.</p> <p>14 A Okay.</p> <p>15 Q Outside of the Bunsen burner pads and the</p> <p>16 mittens, do you believe that you were exposed to</p> <p>17 asbestos in any other way while taking the classes as</p> <p>18 an undergraduate?</p> <p>19 A I do not know.</p> <p>20 Q Can you, as you sit here today, give me any</p> <p>21 other specific way that you think you may have been</p> <p>22 exposed to asbestos from the classes besides what you</p> <p>23 told me?</p> <p>24 A No, I cannot.</p> <p>25 Q Besides the course work in the labs, are</p>
<p style="text-align: right;">Page 39</p> <p>1 Christian Holinka 95</p> <p>2 A There were standard suppliers also to the</p> <p>3 physiology department.</p> <p>4 Q As a student you did not have</p> <p>5 responsibilities for ordering supplies, right?</p> <p>6 A No, I did not.</p> <p>7 Q Besides encountering the Bunsen burner</p> <p>8 pads, are there any other ways that you think you were</p> <p>9 exposed to asbestos during the course work that you</p> <p>10 took at UC Berkeley?</p> <p>11 A We did use heat mittens but otherwise to my</p> <p>12 knowledge, no.</p> <p>13 Q How often would you need to use a heat</p> <p>14 mitten during the course of a class?</p> <p>15 A At a given session several times.</p> <p>16 Q Did you need to use them during every</p> <p>17 session?</p> <p>18 A No.</p> <p>19 Q And a session or a period was how long,</p> <p>20 sir, about?</p> <p>21 A Typically about twice a week for 12 weeks.</p> <p>22 Q And each session twice a week would be</p> <p>23 about how long?</p> <p>24 A About three hours.</p> <p>25 Q And do you know the brand, trade or</p>	<p style="text-align: right;">Page 41</p> <p>1 Christian Holinka 97</p> <p>2 there any other ways that you believe that you were</p> <p>3 exposed to asbestos as an undergraduate at UC Berkeley</p> <p>4 through your studies as opposed to work?</p> <p>5 A I do not believe so.</p> <p>6 Q What degree did you get?</p> <p>7 A A BA.</p> <p>8 Q In what?</p> <p>9 A French literature and physiology as a</p> <p>10 minor.</p> <p>11 Q After you graduated did you become employed</p> <p>12 at the school?</p> <p>13 A No, I did not.</p> <p>14 Q What was your next, after you obtained your</p> <p>15 undergraduate degree, what was next in your</p> <p>16 professional career?</p> <p>17 A I started, I worked as a graduate student</p> <p>18 in physiology, I was a graduate student in physiology.</p> <p>19 Q And when did you -- you graduated, I'm</p> <p>20 sorry, undergrad in middle 1962?</p> <p>21 A Yes.</p> <p>22 Q And that would have been sometime in the</p> <p>23 summer?</p> <p>24 A Yes.</p> <p>25 Q And did you go right into the graduate</p>

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1 Christian Holinka 98  
 2 student program at that time?  
 3 A No, I did not.  
 4 Q What happened in between the time that you  
 5 left undergrad and you started graduate studies?  
 6 A I was in New York part-time for a period of  
 7 time not involving any laboratory.  
 8 Q Well, how long were you in New York after  
 9 you finished undergrad?  
 10 A For about six months.  
 11 Q Taking us from when to when?  
 12 A Taking us from the end of the year -- well,  
 13 there was a very brief period I was in medical school.  
 14 Q Okay.  
 15 A But not really in a major, about three  
 16 months.  
 17 Q So, let's kind of break it down a little  
 18 bit more. You finished your undergraduate degree in  
 19 the middle of 1962, and then you started med school,  
 20 would that be in the fall of 1962?  
 21 A There is a kind of a hiatus.  
 22 Q All right.  
 23 A I was at Hunter -- from New York, from  
 24 Berkeley I was at Hunter College as a student for two  
 25 semesters.

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1 Christian Holinka 99  
 2 Q Let me then, what I want to try to do, sir,  
 3 is keep it as ordered chronologically as much as we  
 4 can. So, after you leave UC Berkeley --  
 5 MR. SCHAFFER: Withdrawn.  
 6 Q After you graduate from UC Berkeley, did  
 7 you move to New York at that time?  
 8 A Yes, I did.  
 9 Q So, you moved to New York.  
 10 A Yes.  
 11 Q When do you get to New York approximately?  
 12 A In the fall -- late summer of that year,  
 13 1962.  
 14 Q From the time that you graduated until you  
 15 came to New York, did you work at all in California?  
 16 A No.  
 17 Q Why did you come to New York?  
 18 A I like New York.  
 19 Q And when you came to New York, is that when  
 20 you began your studies at Hunter?  
 21 A Yes.  
 22 Q Were those full-time studies?  
 23 A Yes.  
 24 Q And what degree or types of course work  
 25 were you pursuing at that time?

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1 Christian Holinka 100  
 2 A Graduate work, graduate studies.  
 3 Q And you started that course work in the  
 4 fall of 1962?  
 5 A Yes.  
 6 Q And you took it for two semesters?  
 7 A Yes.  
 8 Q That would take us into the late spring or  
 9 early summer of 1963?  
 10 A That's correct.  
 11 Q What was the nature of the studies that you  
 12 were pursuing at Hunter at that time?  
 13 A Biology.  
 14 Q Were you accepted into a graduate program?  
 15 A Yes.  
 16 Q Do you believe that you were exposed to  
 17 asbestos in any of the courses that you took over  
 18 those two semesters at Hunter?  
 19 A Yes.  
 20 Q And how do you believe that you were  
 21 exposed to asbestos while attending the course work at  
 22 Hunter for those two semesters?  
 23 A There was one chemistry laboratory that had  
 24 practical sessions, laboratory sessions.  
 25 Q And how do you believe you were exposed to

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1 Christian Holinka 101  
 2 asbestos taking those sessions?  
 3 A By using Bunsen burners. I do not recall  
 4 using heat mittens.  
 5 Q What building was the laboratory in, if you  
 6 know?  
 7 A On the Park Avenue building.  
 8 Q And was this one class that you took or  
 9 more than one class in the laboratory?  
 10 A I believe it was only one class.  
 11 Q And do you know whether this was in your  
 12 first semester or second semester there?  
 13 A I don't remember.  
 14 Q How long did that class typically last?  
 15 A One semester, approximately four months.  
 16 Q And each week how many sessions and how  
 17 long were they?  
 18 A I believe one session.  
 19 Q And how many hours would the session be?  
 20 A Three hours.  
 21 Q And do you believe that you were exposed to  
 22 asbestos from the Bunsen burners at this laboratory in  
 23 a fashion similar to those that you described in your  
 24 prior employments and course work?  
 25 A Yes.

<p style="text-align: right;">Page 46</p> <p>1 Christian Holinka 102</p> <p>2 Q Was there anything physically different</p> <p>3 about the Bunsen burners there as opposed to ones you</p> <p>4 had encountered before?</p> <p>5 A No.</p> <p>6 Q Do you know the brand, trade or</p> <p>7 manufacturer's name of any of the Bunsen burners or</p> <p>8 any of their components that you saw at the chemistry</p> <p>9 lab at Hunter?</p> <p>10 A No.</p> <p>11 Q Do you know who supplied any of the Bunsen</p> <p>12 burners or Bunsen burner components that you used</p> <p>13 there at that lab?</p> <p>14 A No, I don't.</p> <p>15 Q Did you ever have to replace any of the</p> <p>16 Bunsen burner pads there in a fashion similar to what</p> <p>17 you told us before?</p> <p>18 A No, I did not.</p> <p>19 Q Are there any other ways --</p> <p>20 MR. SCHAFFER: Withdrawn.</p> <p>21 Q Are there any other ways that you believe</p> <p>22 you were exposed to asbestos while attending school at</p> <p>23 Hunter?</p> <p>24 A Not to my knowledge.</p> <p>25 Q Why did you stop attending Hunter?</p>	<p style="text-align: right;">Page 48</p> <p>1 Christian Holinka 104</p> <p>2 (Whereupon, at 11:20 A.M., a short recess</p> <p>3 was taken)</p> <p>4 (Back on the record at 11:30 A.M.)</p> <p>5 Q Sir, we are back on the record and I think</p> <p>6 we had your chronology up to when you were starting</p> <p>7 medical school at McGill in the fall of 1963. You</p> <p>8 told us that you were in medical school for</p> <p>9 approximately three months?</p> <p>10 A That's correct.</p> <p>11 Q Until around the holiday season of 1953?</p> <p>12 A No, '63.</p> <p>13 Q I'm sorry, '63.</p> <p>14 A Early '64, I believe.</p> <p>15 Q Did you finish one semester there and start</p> <p>16 another?</p> <p>17 A Yes. I did not start another.</p> <p>18 Q During the time that you were there for</p> <p>19 that one semester, what types of course work did you</p> <p>20 take?</p> <p>21 A Mainly lecture courses and one laboratory</p> <p>22 course.</p> <p>23 Q Do you believe that any of your course work</p> <p>24 while you were attending medical school at McGill</p> <p>25 caused you to be exposed to asbestos?</p>
<p style="text-align: right;">Page 47</p> <p>1 Christian Holinka 103</p> <p>2 A I was accepted to medical school.</p> <p>3 Q And what medical school?</p> <p>4 A McGill University, Montreal.</p> <p>5 Q And were you accepted to begin course work</p> <p>6 in the fall of 1963?</p> <p>7 A That's correct.</p> <p>8 Q From the time you left your graduate</p> <p>9 studies at Hunter until the time that you --</p> <p>10 MR. SCHAFFER: Withdrawn.</p> <p>11 Q Did you actually start medical school at</p> <p>12 McGill?</p> <p>13 A Yes, yes, I did.</p> <p>14 Q From the time you left Hunter until the</p> <p>15 time you went to Montreal to begin medical school,</p> <p>16 what type of employment did you have, if any?</p> <p>17 A I did not have any employment.</p> <p>18 Q That summer you did not work?</p> <p>19 A Right.</p> <p>20 Q What did you do?</p> <p>21 A Read.</p> <p>22 Q To get ready --</p> <p>23 A Listen to music.</p> <p>24 MR. DARCHE: Could we take a quick break,</p> <p>25 please.</p>	<p style="text-align: right;">Page 49</p> <p>1 Christian Holinka 105</p> <p>2 A No, I was not, I do not believe having been</p> <p>3 exposed to asbestos.</p> <p>4 Q And did you leave medical school for</p> <p>5 academic reasons?</p> <p>6 A No.</p> <p>7 Q Why did you leave medical school?</p> <p>8 A Because I didn't like the medical</p> <p>9 curriculum.</p> <p>10 Q While you were attending medical school at</p> <p>11 McGill, was there any time to hold part-time work?</p> <p>12 A No.</p> <p>13 Q And after you left medical school, what did</p> <p>14 you do next?</p> <p>15 A I went back to Berkeley, California.</p> <p>16 Q You had mentioned at one point that you</p> <p>17 were in New York part-time for about six months</p> <p>18 although we had not discussed that yet, are we still</p> <p>19 before that period of time happens?</p> <p>20 A We are before that period of time.</p> <p>21 Q So, you went back to Berkeley and --</p> <p>22 A And it was longer than six months.</p> <p>23 Q Then when you went back to Berkeley, what</p> <p>24 did you do when you went back to Berkeley?</p> <p>25 A I worked at the same research laboratory</p>



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1 Christian Holinka 106  
 2 that I had worked in as an undergraduate under  
 3 essentially the same conditions and the same space.  
 4 Q Were you taking classes at this time when  
 5 you went back to Berkeley?  
 6 A No.  
 7 Q So, you were an employee of the school; is  
 8 that fair to say?  
 9 A Yes.  
 10 Q And when you went back to work at the lab  
 11 at Berkeley, it was in the same physical space, the  
 12 two rooms that you discussed in the Life Sciences  
 13 Building?  
 14 A That's correct.  
 15 Q As a full-time employee what was your shift  
 16 there?  
 17 A Depended on the project. I worked  
 18 full-time essentially during the day.  
 19 Q Let me ask --  
 20 A But it was flexible.  
 21 Q Let me ask it a different way: On average  
 22 how many hours a week did you put in?  
 23 A Forty hours.  
 24 Q And how long did you hold this position as  
 25 an employee of the university working in the lab?

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1 Christian Holinka 107  
 2 A Until approximately August of that year,  
 3 1964.  
 4 Q Did you go right back to Berkeley after you  
 5 ended your studies at McGill?  
 6 A Yes.  
 7 Q So, the total time back at Berkeley is  
 8 somewhere in the seven or eight month range; is that  
 9 fair, sound about right?  
 10 A So far, yes.  
 11 Q Right.  
 12 A Where we are now.  
 13 Q Where we are now.  
 14 A Yes.  
 15 Q During the time that you were back at the  
 16 laboratory as an employee of the school working  
 17 full-time, do you believe that you were exposed to  
 18 asbestos?  
 19 A Yes.  
 20 Q Do you believe that you were exposed to --  
 21 MR. SCHAFFER: Withdrawn.  
 22 Q For this six month period how do you think  
 23 you were exposed to asbestos?  
 24 A By Bunsen burner pads and heat insulating  
 25 mittens.

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1 Christian Holinka 108  
 2 Q During this time that you were working for  
 3 the school at the lab, did you have responsibility for  
 4 ordering any of these materials that were used during  
 5 this period?  
 6 A No, I did not.  
 7 Q Was there anything different about the  
 8 Bunsen burner pads in terms of their physical  
 9 appearance during this employment as compared to those  
 10 you had seen previously?  
 11 A No.  
 12 Q Was there anything different about the  
 13 appearance of the mittens?  
 14 A No.  
 15 Q And do you know the brand, trade or  
 16 manufacturer's names of any of the pads that you  
 17 encountered during this time that you were employed by  
 18 the school up to 1964, August?  
 19 A It was standard suppliers.  
 20 Q But specifically with respect to the pads  
 21 that you used or encountered during that period in  
 22 1964, do you know who made or supplied them?  
 23 A No, I don't. But they were routinely  
 24 ordered from standard suppliers, the companies; Fisher  
 25 Scientific, American Scientific, Senco, Van Waters and

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1 Christian Holinka 109  
 2 Rogers.  
 3 Q Do you know who had the responsibility for  
 4 ordering materials that were used during that time  
 5 period in 1964 that you were working at the lab?  
 6 A No, I do not. They were centrally ordered.  
 7 Q Do you know specifically the brand, trade  
 8 or manufacturer's name of the mittens that you used  
 9 during that time period in 1964?  
 10 A No, I do not.  
 11 Q Did you use or encounter both of those  
 12 materials --  
 13 MR. SCHAFFER: Withdrawn.  
 14 Q Was there anything different about the  
 15 frequency that you used these materials while you were  
 16 employed as opposed to that when you were working  
 17 part-time?  
 18 A I used them proportionately more frequent.  
 19 Q As a full-time person?  
 20 A Yes.  
 21 Q Who was your supervisor or the person you  
 22 reported to there?  
 23 A Dr. Cook, Professor Sherburne S. Cook.  
 24 Q How would you spell Sherburne?  
 25 A S-H-E-R-B-U-R-N-E.



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1 Christian Holinka 110  
 2 Q Are there any other -- as you sit here  
 3 today, do you believe that you were exposed to  
 4 asbestos in any other way working at the lab as a  
 5 full-time employee in 1964?  
 6 A I do not know.  
 7 Q You cannot tell me any other specific ways  
 8 at this time?  
 9 A No.  
 10 Q The number of burners were the same in both  
 11 rooms as you had seen before?  
 12 A Yes.  
 13 Q Was the attendant equipment the same as it  
 14 had been before?  
 15 A Yes.  
 16 Q What happened next after you were working  
 17 full-time in August of 1964?  
 18 A I was accepted as a graduate student in  
 19 physiology by the University of California, Berkeley.  
 20 Q And did you ultimately obtain your graduate  
 21 degree?  
 22 A Yes.  
 23 Q When did you get the graduate degree?  
 24 A 1968.  
 25 Q When about?

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1 Christian Holinka 111  
 2 A Summer, I think in August 1968.  
 3 Q And what was the nature of the graduate  
 4 degree?  
 5 A Physiology.  
 6 Q Did you go to classes full-time during the  
 7 time period you were a graduate student?  
 8 A I did full-time research and involving some  
 9 courses.  
 10 Q During the time period August 1964 to  
 11 August 1968, did you hold any employment at all?  
 12 A Yes.  
 13 Q Were you working at the lab again?  
 14 A No. Perhaps it -- probably, if I may  
 15 suggest, it would be easier to go chronological.  
 16 Q That would be fine and I would appreciate  
 17 that.  
 18 When you started in August of 1964, were  
 19 you taking courses full-time?  
 20 A Courses and research full-time.  
 21 Q And how long did that remain constant,  
 22 courses and classes full-time?  
 23 A Until 1966.  
 24 Q During the time 1964 to 1966, did you hold  
 25 any employment, did you work at all?

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1 Christian Holinka 112  
 2 A No.  
 3 Q Were you a full-time student?  
 4 A Yes.  
 5 Q Do you believe that you were exposed to  
 6 asbestos being a full-time graduate student from 1964  
 7 to 1966?  
 8 A Yes, I was.  
 9 Q And how do you believe you were exposed to  
 10 asbestos during that time period?  
 11 A Bunsen burner pads and heat insulating  
 12 mittens.  
 13 Q And were these items located within the  
 14 same Life Sciences Building laboratory that we have  
 15 been discussing?  
 16 A Not the same laboratory but the same  
 17 building, the same floor.  
 18 Q Then let's talk about the room that this  
 19 took place. What did this laboratory look like, first  
 20 in terms of the number of rooms?  
 21 A It was one room, a large laboratory.  
 22 Q How many Bunsen burners were in there?  
 23 A An estimated six to eight.  
 24 Q Was there anything different about how  
 25 these Bunsen burners and their pads appeared as

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1 Christian Holinka 113  
 2 opposed to those you had encountered in the other lab  
 3 in the building?  
 4 A No, there wasn't.  
 5 Q Was there anything different about the  
 6 appearance of the mittens that you had encountered?  
 7 A No, there wasn't.  
 8 Q As a full-time graduate student you were  
 9 taking courses in the labs; is that right?  
 10 A Courses in the classroom and research, my  
 11 own research project at the laboratory.  
 12 Q Did you have to complete a dissertation of  
 13 some sort to get your degree?  
 14 A Yes, I did.  
 15 Q What was your dissertation?  
 16 A Estrogen receptors in the hypothalamus of  
 17 the brain.  
 18 Q And that required you to do research in the  
 19 lab in order to complete your paper?  
 20 A Yes, I did.  
 21 Q Did you have a faculty advisor that you  
 22 were required to report the status of your project to?  
 23 A Yes, I did.  
 24 Q And did that person work with you --  
 25 MR. SCHAFFER: Withdrawn.

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1 Christian Holinka 114  
 2 Q Did that person have responsibility to be  
 3 with you while you were conducting the research side  
 4 of the paper?  
 5 A She was the head of the laboratory and  
 6 supervised my research, the answer is yes.  
 7 Q Who was that?  
 8 A Dr. Paola Timiras. Should I spell it?  
 9 Q Yes, that would be great.  
 10 A First name P-A-O-L-A, last name  
 11 T-I-M-I-R-A-S.  
 12 Q And would you have any information as to  
 13 whether she is still alive?  
 14 A No, I don't.  
 15 Q But the last time you would have spoken  
 16 with her had been when you were at the university at  
 17 some point?  
 18 A No, it wasn't.  
 19 Q When was it?  
 20 A It was about six years ago.  
 21 Q Where was she living at the time?  
 22 A In Berkeley, California.  
 23 Q Was she still at the school?  
 24 A That was the occasion of her retirement but  
 25 she remained an active emeritus professor.

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1 Christian Holinka 115  
 2 Q Do you know specifically the brand, trade  
 3 or manufacturer's name of any of the Bunsen burner  
 4 pads that you encountered while a graduate student  
 5 during this time period 1964 to 1966?  
 6 A They were ordered from standard suppliers,  
 7 the names I have mentioned before.  
 8 Q You were not responsible for doing the  
 9 ordering during this period?  
 10 A No, I was not.  
 11 Q Who was?  
 12 A A simple supply person.  
 13 Q I do not understand what that means. Can  
 14 you give me an idea what you are talking about when  
 15 you use that term?  
 16 A Well, typically in the department there was  
 17 a technician who was responsible for supplies. If you  
 18 needed specific research supplies for your own  
 19 research, you looked at the catalog, Fisher  
 20 Scientific, the main catalogs, Van Waters and Rogers,  
 21 and picked out the things you needed very specifically  
 22 for your research. General supplies were ordered  
 23 centrally periodically because they were standard  
 24 supplies at each laboratory.  
 25 Q And when you use the term "standard

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1 Christian Holinka 116  
 2 supplies," would it be fair to say that these were  
 3 items regularly used that would try to be kept in  
 4 stock for use in the labs?  
 5 A That is correct to say.  
 6 Q Was the stockroom that supported this other  
 7 one room lab you are in the same stockroom that  
 8 supported the lab we talked about before?  
 9 A To an extent, yes, the answer is yes.  
 10 Q Did you while you were a full-time graduate  
 11 student need to replace any of the pads?  
 12 A Yes, I did.  
 13 Q When you needed to replace them, where  
 14 would you go to get the replacement pads?  
 15 A From the supply room.  
 16 Q The same supply room we talked about?  
 17 A Yes.  
 18 Q Are there any other specific ways that you  
 19 believe that you were exposed to asbestos while  
 20 working at this lab from 1964 to 1966?  
 21 A I do not know.  
 22 Q As you sit here today, do you have any  
 23 reason to believe that you were exposed to asbestos in  
 24 any other way besides what you have told us with  
 25 respect to this lab?

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1 Christian Holinka 117  
 2 A I do not know.  
 3 Q You obtained your graduate degree in --  
 4 MR. SCHAFFER: Withdrawn.  
 5 Q What happens in 1966?  
 6 A In 1966 I was admitted to graduate school  
 7 at Berkeley in comparative literature.  
 8 Q So, in 1966 did you get your graduate  
 9 degree in physiology?  
 10 A Yes.  
 11 Q And this was the degree that had the paper  
 12 you told us about associated with that.  
 13 A Yes.  
 14 Q And then you went on for another graduate  
 15 degree there?  
 16 A Yes, I did.  
 17 Q And did you get that second degree?  
 18 A Yes, I did.  
 19 Q And is that the degree you got in August of  
 20 1968?  
 21 A Yes, that's correct.  
 22 Q During the time that you were going for  
 23 this additional graduate degree, did you work at all?  
 24 A As a teaching assistant.  
 25 Q Did you do any work in the lab at all?

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1 Christian Holinka 118  
 2 A No.  
 3 Q Do you believe that you were exposed to  
 4 asbestos in any way from the time period 1966 to  
 5 August 1968?  
 6 A I do not believe so but I don't know.  
 7 Q We are in August of 1968 now. Did you go  
 8 on to take any other classes at Berkeley once you had  
 9 obtained these two graduate degrees on top of your  
 10 undergraduate degree?  
 11 A I continued as a graduate student.  
 12 Q And were you continuing as a full-time  
 13 graduate student starting in August of 1968?  
 14 A Yes. Together with teaching as a teaching  
 15 assistant.  
 16 Q And what types of course work were you  
 17 involved in as a teaching assistant?  
 18 A French language.  
 19 Q More associated with your literature  
 20 graduate degree?  
 21 A Yes.  
 22 Q And how long did you take additional  
 23 courses and also work as a teaching assistant?  
 24 A And do library research until 1971.  
 25 Q Did you obtain another degree?

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1 Christian Holinka 119  
 2 A No, I didn't. However, during that period  
 3 I had a stipend for a year in Paris and I do have a  
 4 certificate, a degree from the Sorbonne.  
 5 Q From the time frame of August of 1968 until  
 6 1971, do you believe that you were exposed to asbestos  
 7 in any way?  
 8 A I do not know but I don't believe so.  
 9 Q Besides working as a teaching assistant,  
 10 did you hold any other for-pay employments during this  
 11 time period?  
 12 A I taught intermittently language at the  
 13 Berlitz School and a course in literature in Berkeley  
 14 above the level of teaching assistant.  
 15 Q And during that time period do you recall  
 16 holding any other jobs aside from what you told us?  
 17 A No.  
 18 MR. SCHAFFER: Off the record for one  
 19 second.  
 20 (Discussion held off the record)  
 21 Q When did you finish this period of time in  
 22 your life when you were teaching literature and taking  
 23 graduate classes, you told us it was in 1971, I am  
 24 trying to find out when.  
 25 A Yes. In the spring semester ending in May

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1 Christian Holinka 120  
 2 or June.  
 3 Q And after that what was the next thing that  
 4 you did in your life?  
 5 A I was accepted as a graduate student in  
 6 biological sciences at the State University of New  
 7 York at Stony Brook.  
 8 Q And how long did you attend graduate school  
 9 at SUNY Stony Brook?  
 10 A Until 1974.  
 11 Q What month did you finish there?  
 12 A In July, end of June or July.  
 13 Q Did you get a degree from SUNY Stony Brook?  
 14 A Yes, I did.  
 15 Q What was that degree?  
 16 A PhD.  
 17 Q In what?  
 18 A Biological sciences.  
 19 Q Was this full-time academic studies?  
 20 A It was full-time academic studies but I  
 21 also worked part-time in addition.  
 22 Q Where did you work part-time?  
 23 A Columbia University Presbyterian Medical  
 24 Center, clinical chemistry.  
 25 Q When did you start doing the part-time work

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1 Christian Holinka 121  
 2 at Columbia?  
 3 A 1971.  
 4 Q Would it have been contemporaneous with the  
 5 course work at SUNY?  
 6 A Yes, it was.  
 7 Q Did you get the job through connections at  
 8 SUNY?  
 9 A No, I did not.  
 10 Q How did you come to get that job?  
 11 A I applied personally through somebody, a  
 12 professor there who I knew.  
 13 Q How long did you work in the clinical  
 14 chemistry department at Columbia University?  
 15 A Until 1974.  
 16 Q And was it basically employment there  
 17 continuous with the time that you were taking the  
 18 studies at SUNY Stony Brook?  
 19 A Yes.  
 20 Q During the time that you were out at Stony  
 21 Brook, do you believe that you were exposed to  
 22 asbestos while taking your studies?  
 23 A Yes, I was.  
 24 Q During the time that you were working for  
 25 Columbia, do you believe that you were exposed to

<p style="text-align: right;">Page 66</p> <p>1 Christian Holinka 122</p> <p>2 asbestos?</p> <p>3 A Yes, I was exposed.</p> <p>4 Q We are going to break them both down then.</p> <p>5 When you were taking the courses at SUNY</p> <p>6 Stony Brook, did you also take course work during the</p> <p>7 summers?</p> <p>8 A Yes.</p> <p>9 Q And how do you believe that you were</p> <p>10 exposed to asbestos when you were taking the graduate</p> <p>11 school studies at Stony Brook?</p> <p>12 A In my research for my degree.</p> <p>13 Q And how do you believe in conducting this</p> <p>14 research you were exposed to asbestos?</p> <p>15 A Through Bunsen burner pads and heat</p> <p>16 insulating mittens.</p> <p>17 Q With what frequency would you be --</p> <p>18 MR. SCHAFFER: Withdrawn.</p> <p>19 Q Did you handle both of these types of</p> <p>20 items --</p> <p>21 A Yes.</p> <p>22 Q -- while you were at SUNY Stony Brook?</p> <p>23 A Yes, I did.</p> <p>24 Q With what frequency would you be handling</p> <p>25 Bunsen burner pads?</p>	<p style="text-align: right;">Page 68</p> <p>1 Christian Holinka 124</p> <p>2 Q And how many Bunsen burners were in there?</p> <p>3 A I would estimate three.</p> <p>4 Q One per bench, you think?</p> <p>5 A Yes, pretty much.</p> <p>6 Q How do you believe that you were exposed to</p> <p>7 asbestos from the Bunsen burner pads there?</p> <p>8 A As the Bunsen burner experienced heat, the</p> <p>9 material degenerated, cracked and emitted dust.</p> <p>10 Q Did these pads that we are talking about</p> <p>11 appear similar in their appearance to those that you</p> <p>12 had encountered previous to that?</p> <p>13 A Yes, they did.</p> <p>14 Q Was there anything different about their</p> <p>15 size, their shape, their consistency of the material</p> <p>16 or anything else from those that you had encountered</p> <p>17 previously?</p> <p>18 A To my knowledge, no.</p> <p>19 Q Did the circumference of the material</p> <p>20 inside the mesh look the same to you?</p> <p>21 A Yes.</p> <p>22 Q Did you have to at any time replace those</p> <p>23 pads that you encountered at the lab in the anatomy</p> <p>24 department at Stony Brook?</p> <p>25 A Yes, I did.</p>
<p style="text-align: right;">Page 67</p> <p>1 Christian Holinka 123</p> <p>2 A Regularly.</p> <p>3 Q Any way to quantify what "regularly" would</p> <p>4 be?</p> <p>5 MR. DARCHE: Don't guess.</p> <p>6 A Daily, daily. The days I was at the</p> <p>7 laboratory obviously.</p> <p>8 Q Where was the laboratory that you used</p> <p>9 these pads at SUNY Stony Brook?</p> <p>10 A In the anatomy department.</p> <p>11 Q Did you work out of one lab in the anatomy</p> <p>12 department?</p> <p>13 A Yes.</p> <p>14 Q Do you know if that lab had any other type</p> <p>15 of designation by room number or name or something</p> <p>16 like that?</p> <p>17 A By room number, I don't recall the name.</p> <p>18 Q Was it the first floor, second floor or</p> <p>19 something like that?</p> <p>20 A First floor.</p> <p>21 Q Describe for me what that lab looked like</p> <p>22 first in terms of its dimensions.</p> <p>23 A Medium size, square feet I cannot estimate.</p> <p>24 Q Did it have work stations or tables?</p> <p>25 A About three large benches.</p>	<p style="text-align: right;">Page 69</p> <p>1 Christian Holinka 125</p> <p>2 Q And where would you go to get replacement</p> <p>3 pads on those occasions?</p> <p>4 A The supply room in biology.</p> <p>5 Q And where would that be in relation to the</p> <p>6 anatomy department that you were in?</p> <p>7 A That was in a different building.</p> <p>8 Q How often do you recall getting replacement</p> <p>9 pads over that period of time that you were working</p> <p>10 out of that lab? I'm sorry, doing research out of</p> <p>11 that lab.</p> <p>12 A About no more than once a month.</p> <p>13 Q Did the pads when you picked them up from</p> <p>14 the supply area come packaged in any way?</p> <p>15 A No.</p> <p>16 Q How were they stored there?</p> <p>17 A I do not know how the supplier supplied</p> <p>18 them. I would --</p> <p>19 Q Let me see if I understand the process.</p> <p>20 You would walk into the supply room and would there be</p> <p>21 somebody there supporting the supply room?</p> <p>22 A Yes.</p> <p>23 Q And would you ask the person in there I</p> <p>24 need X-Y-Z and that person would go get it?</p> <p>25 A Exactly, yes.</p>